

Child Support Distribution Act of 2000

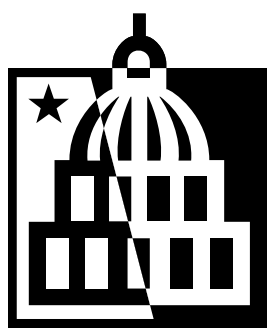


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Representative Nancy Johnson (R-Conn.) introduced House Bill No. 4678, the Child Support Distribution Act of 2000. Title III of the bill as originally introduced would have allowed states the option of contracting with public non-Title IV-D and private child support enforcement agencies to provide the agencies with access to certain IV-D collection tools and databases. (This bill is a successor to H.R. 4469 of the same name.)

A mark-up of H.R. 4678 took place on June 27, 2000, in the House Ways and Means Subcommittee on Human Resources. To begin the mark-up hearing, Representative Johnson introduced a substitute bill in which the controversial Title III had been modified. Instead of the state option to contract with public non-IV-D and private child support enforcement agencies, she proposed a timetable for implementing demonstration projects.



Watch on Washington

The Human Resources Subcommittee generally does its work on a bipartisan basis, but that was not the case in the mark-up of this bill. The Democrats strongly opposed both the original Title III and its substitute, largely on the basis of opposition from state IV-D agencies and child advocacy organizations. This opposition is aimed primarily at the provision that allows for the use of private child support enforcement agencies, and is based on concerns that such agencies are largely unregulated, that some of the non-IV-D entities will not sufficiently protect the confidentiality of the information, that the non-IV-D private entities will charge fees for work that is essentially being done by

IV-D agency staff, and that the IV-D staff time and computer resources used to support these non-IV-D cases will reduce the resources IV-D agencies and organizations have for working their own IV-D cases.

The full Ways and Means Committee marked up the bill on July 19, 2000. As chair of the committee, Representative Bill Archer (R-Tex.) offered a substitute bill, the product of a negotiated agreement between the Republicans and Democrats in which all references to demonstration projects with private child support enforcement agencies had been removed. The substitute bill also strengthened the language related to the content of the Government Accounting Office (GAO) report on private child support enforcement agencies, the ability to intercept Veterans Affairs benefit payments for payment of child support, and the protections against domestic violence and child abuse that are related to fatherhood programs. In a bipartisan effort, the committee reported out the bill favorably on a voice vote.

The House of Representatives debated the bill on September 6, 2000, and passed it on September 7 by a vote of 405 to 18.

BILL CONTENT

Following is a summary of the provisions of the bill that would have the most direct impacts on state court operations.

Section 301: Guidelines for Involvement of Public Non-IV-D Child Support Enforcement

◆ The secretary of the Department of Health and Human Services (HHS) would be required to develop recommendations that address the participation of public non-IV-D child support enforcement agencies in the establishment and enforcement of child support obligations. The recommendations should include substantive and procedural rules to be followed with respect to privacy safeguards, data security, due process rights, administrative compatibility with state and federal automated systems, eligibility requirements (such as registration, licensing, and posting of bonds) for access to information and use of enforcement mechanisms, recovery of costs, oversight, penalties for violation of the rules, treatment of collections, and avoidance of duplicated efforts.

◆ In developing these rec-

ommendations, the secretary would be required to consult with states, local governments, and individuals knowledgeable about child support collection.

◆ The report would be due no later than October 1, 2001.

Section 302: Demonstrations Involving Establishment and Enforcement of Child Support Obligations by Public Non-IV-D Child Support Enforcement Agencies

◆ The bill would authorize the secretary of HHS to consider applications from states wishing to participate in the demonstration projects.

◆ The number of demonstration projects in which public non-IV-D child support enforcement agencies would participate would be limited to 10.

◆ The secretary would be authorized to approve demonstration projects for public non-IV-D child support enforcement agencies on April 1, 2002.

◆ Public non-IV-D child support enforcement agencies would be required to carry out child support establishment and enforcement activities subject to the same data security, privacy protection, and due process requirements as IV-D agencies.

◆ The IV-D agencies would be authorized to charge and collect fees for providing information and services to public non-IV-D child support enforcement agencies participating in the demonstration projects.

◆ GAO would be required to conduct audits of the demonstration projects and report to Congress no later than October 1, 2004, on the public non-IV-D child support enforcement agency demonstrations.

◆ The secretary of HHS would also be required to report to Congress. This report would include the results of any research on or evaluation of the demonstration projects and policy recommendations. The secretary's report would be due no later than October 1, 2005, for the public non-IV-D child support enforcement agency demonstrations.

Section 303: GAO Report to Congress on Private Child Support Enforcement Agencies

◆ Not later than October 1, 2001, GAO would be required to submit a report to Congress on the activities of private child support enforcement agencies. The report should be designed to help Congress determine whether the agencies are providing a needed service in a fair manner, using accepted debt collection practices and at reasonable fees.

Section 304: Effective Date

◆ The effective date for this title would be the date of enactment of the act. ■

Summit to Focus on Judicial Campaigns

Many of the nation's judiciary and legal administrators are becoming concerned about the increasingly expensive and aggressive nature of judicial campaigns, and fear that the trend may be jeopardizing public confidence in the courts.

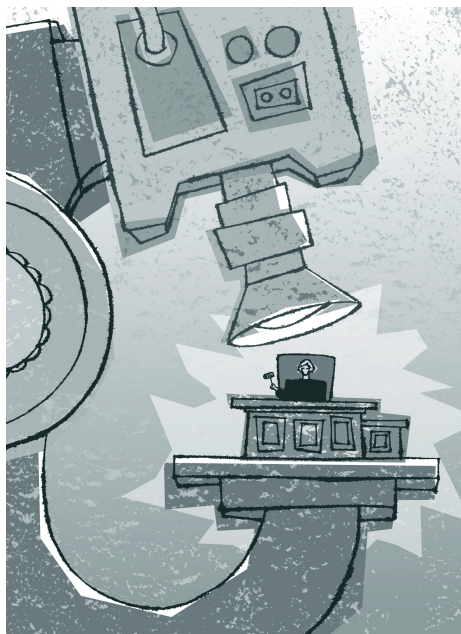
At the initiation of Texas Chief Justice Thomas R. Phillips and Texas Senate Judiciary Committee Chair Rodney Ellis, the National Center for State Courts is coordinating a summit, scheduled for December 8–9 in Chicago, to mobilize state judicial and legislative leaders to look at existing and potential problems in judicial election systems.

The summit will bring together four-person teams—one from each state, selected by the Chief Justice of that state. The teams will consist of judicial leaders, legislators, and judicial reform advocates. California is expected to send Justice Ming W. Chin, Supreme Court of California; Judge Terry Friedman, Superior Court of Los Angeles County; Senator Martha Escutia, chair of the Senate Judiciary Committee; and Assembly Member Howard Wayne, member of the Assembly Judiciary Committee.

The summit will provide a forum to identify common problems associated with current state judicial election processes and to develop principles for reform. Participants are expected to address topics such as the effects of the November 2000 judicial elections, voter information and awareness, campaign funding, and campaign conduct.

A secondary purpose of the summit is to attract national attention to current judicial election systems and the efforts of state judicial and legislative leaders to address problems associated with those systems. Organizers expect the conference to end with a "call to action" and anticipate that it will be the first step for representatives toward formulating plans for their own states.

● For more information, contact Lynn Grimes, National Center for State Courts, 757-259-1812, e-mail: lgrimes@ncsc.dni.us.



Education & Development

Women of Judiciary Meet in Los Angeles

The 22nd Annual Conference of the National Association of Women Judges, which took place October 18–22 in Los Angeles, offered attendees a combination of renowned speakers and challenging panels. The theme for the conference was “Family and the Courts.”

Chief Justice Ronald M. George, Los Angeles Mayor Richard Riordan, and Beverly Hills Mayor Vicki Reynolds welcomed conference attendees at the opening session on Thursday. Professor Marilyn Eaton from Trinity College in Washington, D.C., then presented the results of her study on women judges, titled *Who We Are and What We Are Doing*.

Other featured speakers included Martha Coolidge, the first female vice-president of the Directors Guild and an Emmy nominee for the HBO film *Introducing Dorothy Dandridge*, and William Harrison, president of the California Judges Association. In addition, Amy Brenneman, the star of the TV show *Judging Amy*, was the featured speaker at the conference dinner on Saturday evening.

The conference included educational sessions on cultural issues in family/juvenile/criminal law; treating juveniles as adults; substance abuse and chemical dependency; domestic violence/violence against women; sentencing female offenders; alternative dispute resolution; decision making in juvenile/family

law; women and the media; jury innovations; immigration issues; appellate decision making; media violence and children; and constitutionalism and feminism, among others.

● For more information, contact the National Association of Women Judges, 202-393-0222, e-mail: nawj@prodigy.net.

RESOURCES

San Bernardino Court Offers Virtual Training

To assist its employees who cannot attend traditional training programs, the Superior Court of San Bernardino County has arranged for staff to “virtually” attend training classes on computer applications used in the court.

In addition to making the technology training more convenient, the optional virtual method may better coincide with some employees’ learning styles. Included in the CD tutorials are lessons, tests, and individual reports that evaluate participants’ progress in the program.

The interactive CDs offer training in Access, Excel, Power Point, Word, and Outlook, the court’s e-mail program. Students are given passwords to access the self-paced, self-monitored programs.

Court Briefs

November Is Adoption and Permanency Month

For the second November in a row, courts across the state are dedicating increased time and resources to raising public awareness about adoptions and to recruiting adoptive parents. Last year, the Judicial Council of California, along with the Governor and Legislature, declared November Court Adoption and Permanency Month in order to raise awareness about problems facing California’s adoption system and to provide hope and support to foster children and adoptive families.

As of March 31, 1999, nearly 547,000 children were in foster care in the United States, and in California alone, 106,000 children are still in out-of-home care. Counties with adoption backlogs are using Adoption Month celebrations to finalize adoption proceedings. The Superior Court of Los Angeles County, for example, will hold its ninth Adoption Saturday on November 18. Nearly 2,500 adoptions in Los Angeles have been finalized on Adoption Saturdays through the volunteer efforts of

judges, attorneys, bailiffs, law students, and community members. Sacramento and Tulare Counties will hold their own Adoption Saturday events, and on November 17 the Superior Court of Ventura County will present special certificates to families whose adoptions are before the court.

The Center for Families, Children & the Courts has sent technical assistance packets to all courts and adoption agencies. The packets describe effective programs that may be used during November or throughout the year.

● For more information, contact Audrey Evje, Center for Families, Children & the Courts, 415-865-7706, e-mail: audrey.evje@jud.ca.gov.

Domestic Violence Court Increases Efficiency

According to a recent study completed by the Superior Court of San Diego County, local domestic violence cases in that county are resolved 74 percent more quickly and with 33 percent less recidivism when handled by specialty domestic violence courts than when handled generally by its criminal division.

The study compared the outcomes of misdemeanor domestic violence cases in the superior court’s Central Division in 1995 to filings from January through June 1998 that were heard in its specialty domestic

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Beyond the Bench Provides Training For Juvenile and Family Practitioners

In recent years, the annual Beyond the Bench conference has developed a reputation as a high-quality, multidisciplinary training to improve the handling of cases involving families and children in California’s courts. This year’s conference, Beyond the Bench XII, looks to live up to that reputation at the Sheraton Universal City Hotel near Los Angeles on December 6–8, 2000.

The conference kicks off with an opening dinner featuring keynote speaker Peter Elikann, a Boston-based writer, lawyer, and *Court TV* analyst. Mr. Elikann is the author of a recent book, *Superpredators: The Demonization of Our Children by the Law* (New York: Insight Books, 1999). He will discuss the myths of, realities of, and solutions to youth crime. Additional conference speakers include forensic linguist Anne Graffam Walker, Ph.D., and chem-

ical dependency expert David Mee-Lee, M.D.

Dr. Walker is one of the world’s leading experts on children’s language in a legal context and is the author of the *Handbook on Questioning Children*, 2d ed. (Chicago: American Bar Association, 1999). Her book provides information for anyone who interviews children about legal matters. In her plenary presentation, Dr. Walker will warn of “Dangerous Assumptions to Avoid in Questioning Children.”

Dr. Mee-Lee is a nationally celebrated expert on chemical dependency and effective treatment programs. He will discuss substance abuse through his plenary address, “What They Never Taught You in School About Substance Abuse, Addiction, and Treatment: Implications for Families, Children, and the Courts.” Dr. Mee-Lee is an assistant clinical professor at the medical schools

of both the University of California at Davis and the University of Hawaii.

Chief Justice Ronald M. George will once again host an informal reception on Thursday evening. During this reception, attendees will have the opportunity to discuss important issues with the Chief Justice and other members of the Judicial Council as well as members of the Judicial Council’s Family and Juvenile Law Advisory Committee.

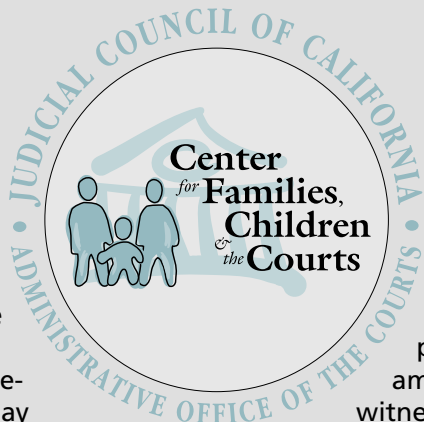
The conference will feature more than 25 workshops on topics such as child welfare, dependency, delinquency, multiple court proceedings, family violence, and policy and legislation.

New this year is a preconference symposium on trial skills; there will be separate tracks for

attorneys, social workers, and mental health professionals. The symposium will provide practical instruction on preparing for the examination of expert witnesses as well as tips on testifying before the court.

Another preconference symposium, exclusively for juvenile court judicial officers, will highlight innovative programs and best practices in California juvenile courts. Topics to be covered include juvenile drug courts, mediation, family group conferencing, Court Appointed Special Advocate programs, teen courts, and judges’ involvement in the community.

● For more information, contact Christopher Wu, 415-865-7721, e-mail: christopher.wu@jud.ca.gov.



Court Briefs

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At the State Bar Convention in San Diego in September, Chief Justice Ronald M. George presented the Public Lawyer of the Year award to attorney Prudence Kay Poppink, who specialized in employment and housing law for 25 years. Ms. Poppink passed away November 16.

violence courts. The average time to disposition was lowered from 57 days in 1995 to 15 days in 1998. A subsequent three-month study in 1999 confirmed that the greater speed and efficiency extended to all four of the county's specialty domestic violence courts.

"Delivering consequences to perpetrators faster and improving the safety of families is a major goal of the specialty courts," says Presiding Judge Wayne L. Peterson.

Court analysts conducted the study under a grant from the

State Justice Institute.

● For more information, contact Marilyn Laurence, Superior Court of San Diego County, 619-531-4484.

Yolo Court Plays Fair

The Superior Court of Yolo County went to the county fair in August with the Yolo County Bar Association, Legal Services of Northern California, and the Yolo County Law Library. The groups sponsored an information booth at the Yolo County Fair in Woodland, where they made available informational materials about their respective

organizations and the various programs being offered in the county.

The Superior Court of Yolo County set up the tables and provided brochures and other materials for the booth, which was staffed by attorneys and paralegals. This outreach by the legal community, which was the first of its kind at the Yolo County Fair, provided fairgoers with free legal advice regarding family law, real estate law, criminal law, and consumer and small claims law.

"A desk was set up within the booth where attorneys and fairgoers could discuss legal issues," said David Calfee, Presi-

dent of the Yolo County Bar Association. "We had a good response to the free legal advice being offered. Attorney referral information was also made available at the booth for persons who wanted to consult a member of the Yolo County Bar Association outside of fair hours. Everyone who took part in this venture had fun, and we are definitely looking forward to sponsoring a booth at next year's Yolo County Fair."

● For more information, contact Marian Walker, Court Administrative Projects Specialist, 530-666-8616.

MILESTONES



Judge Judith McConnell



Judge David M. Gill

At its annual meeting in September, the State Bar of California presented the Loren Miller Award to **Judge Laurie Zelon**. The highest honor given by the bar, it goes to an individual who has made outstanding contributions of legal services to the poor.

Judge Zelon was appointed to the bench of the Superior Court of Los Angeles County in April. As an attorney, she found many ways to reach out to those in need of legal services. She worked through the American Bar Association to encourage pro bono efforts by other lawyers, co-founded Californians for Legal Aid, and spearheaded grassroots lobbying to support the Legal Services Corporation. In addition, Judge Zelon served as chair of the California Commission on Access to Justice, working with the Judicial Council and sister branches of government to

develop new ways to fund legal services programs.

Judge Judith McConnell, Superior Court of San Diego County, was named Judge of the Year by the National Association of Women Judges, an organization dedicated to complete equality for women under national and international law.

Bestowed annually since 1979, the national award primarily recognizes state Supreme Court or federal judges, with only a few distinguished state trial judges among its winners. Judge McConnell is the first California trial judge to receive the prestigious honor. It comes on the heels of Judge McConnell's selection last year to receive the Access to Justice Award for her dedication to improving justice for all Californians.

Judge McConnell is a leader in issues related to access and fairness in the courts. She was involved in the Judicial Council's first examination of courtroom gender bias in 1988 and chaired the planning committee that developed the council's first

Judicial Appointments

The Governor announced the following appointment in September 2000.

Stephanie George (winner of March 7 election) to the Superior Court of Orange County, succeeding Gary P. Ryan, retired.

The following presiding judge was appointed since September 1.

Donald Byrd, Superior Court of Glenn County, succeeding Angus Saint-Evens.

The following court executive officers have been appointed since September 1.

Arthur Sims, Superior Court of Alameda County, succeeding Ron Overholt.

Rachelle Agatha, Superior Court of Amador County, succeeding Evalyn Ghormley.

Kiri Torre, Superior Court of Santa Clara County, succeeding Steve Love.

Wayne Hall, Superior Court of San Luis Obispo County, succeeding Dennis Gravelle. ■

strategic plan featuring "access, fairness, and diversity" as the first of the council's five goals. Appointed to the Judicial Council in 1991, she has been instrumental in the creation of community-focused planning

groups that have put trial courts in touch with local needs.

A jurist for 23 years, Judge McConnell serves on the executive committee of the National Conference of State Trial Judges and on the board of the California Center for Judicial Education and Research. She is a former president of the Women Judges' Fund for Justice and the National Association of Women Judges.

JANUARY 31–FEBRUARY 2, SAN DIEGO

CJAC: Implementing the Vision

The 21st century continues to bring many challenges and changes to the California court system. The California Judicial Administration Conference (CJAC), to be held January 31–February 2, 2000, at the Hyatt Regency Islandia in San Diego, will bring together court leaders throughout the state, including presiding judges, court executives, the Judicial Council, and its advisory committee members, to discuss these challenges and the future of court administration.

The theme of this year's conference is "Back From the Future—Implementing the Vision." Keynote speakers addressing this topic include Edward D. Barlow, Jr., a futurist and think-tank facilitator who assists organizations in preparing for the challenges of the future, and Desi Williamson, a nationally recognized consultant with practical ideas for increasing leadership skills. In addition, Chief Justice Ronald M. George and Administrative Director of the Courts William C. Vickrey will deliver welcoming remarks.

The conference will offer a variety of workshops and plenary sessions. Sessions will cover issues such as budgets, court-media relationships, employer concerns, court facilities, appellate matters, inter-branch relations, liability and risk management, managing family law cases, pro pers, rural court concerns, technology, access through collaboration, Court Appointed Special Advocates, drowning in surveys, probation issues, and many others.

As part of the conference, two luncheons will be held to honor Judicial Council award winners. Chief Justice George will present the Ralph N. Kleps Awards for Improvement in the Administration of the Courts and the Judicial Council Distinguished Service Awards. Created in 1991 in honor of Ralph N. Kleps, the first administrative director of the California courts, the Kleps Awards honor contributions made by individual courts to the administration of justice. The Distinguished Service Awards—the council's highest individual honors—are presented

to judges, court executives, and court leaders who demonstrate extraordinary leadership and make significant contributions to the administration of justice.

CJAC is sponsored by the Judicial Council and is held in conjunction with meetings of the council and its advisory committees. Conference attendees are invited to sit in on these meetings at any time.

● For more information, contact Claudia Fernandes, Administrative Education, Education Division, 415-865-7799, e-mail: claudia.fernandes@jud.ca.gov.



Judge David M. Gill, Superior Court of San Diego County, received the first-ever William B. Enright Ethics and Civility Award from the California chapters of the American Inns of Court. He received the honor directly from the judge for whom the award was named, U.S. District Judge William B. Enright.

"It was quite meaningful to receive the award from Judge Enright since he has always been a hero and a role model," says Judge Gill.

The court's most senior judge with 21 years of service, Judge Gill has been a leader in the community for many years. He has served on the Board of Directors of the Boys and Girls Aid Society since 1968, on the Board of Management of the Armed Services YMCA since 1977, on the Board of Visitors at the University of San Diego Law School since 1980, and on the Board of Directors of Goodwill Industries since 1994. ■